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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 Jeff Corbett, an individual; John Jenkins, an
15 individual; Scott Murray, an individual; and
16 David Newton, an individual,

17 Plaintiffs,

18 vs.

19 Public Employees' Retirement System, ex rel.
20 State of Nevada; Las Vegas Metropolitan Police
21 Department, a political subdivision of the State
22 of Nevada; and Does I-X, inclusive,

23 Defendants.

CASE NO.: 2:20-cv-02149-KJD-NJK

**STIPULATION AND ORDER TO
AMEND DISCOVERY DEADLINES**

(FIRST REQUEST)

24 Pursuant to Local Rule 26-3, Plaintiffs and Defendant Las Vegas Metropolitan Police
25 Department ("LVMPD") (collectively the "Parties"), acting through their respective counsel of
26 record, respectfully submit this Stipulation and Order representing their first request to extend
27 discovery deadlines.

28 **I. BACKGROUND**

Plaintiffs have asserted various causes of action claiming that LVMPD paid improper wages to the Plaintiffs and misclassified certain work hours performed by Plaintiffs, allegedly resulting in lower than lawful pension accounts in Plaintiffs' names with the Public Employees'

Retirement System ("PERS"). Claims asserted against PERS are presently stayed. The Parties agree that the deadlines adopted by the Court should be revised to permit completion of further discovery needed for the Parties to prepare reasonably comprehensive dispositive motions. The Parties seek an amended discovery cut-off date of August 31, 2021 (a 90 day extension).

II. DISCOVERY COMPLETED

1. On January 4, 2021, Defendant LVMPD timely served its initial Disclosure of Witnesses and Documents, identifying approximately eight (8) potential witnesses and approximately 225 pages of documents.

2. On January 12, 2021, Plaintiffs timely served their initial Disclosure of Witnesses and Documents, identifying approximately fifteen (15) potential witnesses and approximately 375 pages of documents.

3. On March 12, 2021, Plaintiffs sent to LVMPD their initial set of written discovery requests, consisting of nine (9) interrogatories and three (3) document production requests.

4. On April 12, 2021, Plaintiffs sent to LVMPD their second set of written discovery requests, consisting of four (4) admissions requests, eight (8) additional interrogatories, and four (4) additional document production requests.

5. On April 13, 2021, counsel for the Parties discovered that they had miscommunicated regarding the initial written discovery requests sent by Plaintiffs, and they agreed to treat that same date, April 13, 2021, as the service date for both sets of written discovery served by Plaintiffs on LVMPD as of that date.

6. On May 5, 2021, counsel for the Parties discussed the status of LVMPD's responses to the first and second set of discovery requests served by Plaintiffs, at which time counsel for LVMPD requested additional time to complete the responses. Counsel for Plaintiffs approved the request.

7. The Parties anticipate working cooperatively to identify the witnesses from whom live deposition testimony will be sought.

III. DISCOVERY REMAINING

Plaintiffs intend to carefully review the yet-to-be-served responses of LVMPD and will thereafter identify the subjects about which additional fact discovery must be completed, and will (with input from LVMPD) determine who will be identified as Rule 30(b)(6) deponents to speak on behalf of LVMPD. LVMPD intends to conduct depositions of the Plaintiffs, potentially depose third parties and, if necessary, serve written discovery.

IV. REASONS FOR THE REQUESTED EXTENSIONS OF TIME

As stated above, a miscommunication occurred between counsel for the Parties, which led to a delayed service date of the first set of written discovery served by Plaintiffs. LVMPD has requested additional time to finalize responses to pending requests and Plaintiffs have granted the additional time requested. Plaintiffs intend to review LVMPD's written discovery responses before making further decision relating to discovery.

The Parties are working diligently to identify key issues on which fact discovery must yet be completed, and to identify the deponents from whom live testimony will be required. Given the nature of the remaining discovery and the respective caseloads of counsel for the Parties, the additional discovery cannot be completed before the existing deadline of June 2, 2021, which is less than four weeks from the filing date of this Stipulation.

V. PROPOSED DISCOVERY SCHEDULE

The Parties propose that the discovery period approved by the Court be extended by ninety (90) days to permit completion of fact discovery. The Parties propose that other deadlines be extended in a similar fashion, as follows:

| <u>EVENT</u> | <u>CURRENT DEADLINE</u> | <u>PROPOSED DEADLINE</u> |
|--|-------------------------|-----------------------------|
| Close of discovery | 06/02/2021 | 08/31/2021 |
| Final Date to file motions to amend pleadings or add parties | 03/04/2021 | Expired/No Extension |
| Initial expert disclosure | 04/03/2021 | Expired/No Extension |

| | | |
|----------------------------|------------|--|
| Rebuttal expert disclosure | 05/03/2021 | Expired/No Extension |
| Dispositive motions | 07/02/2021 | 09/30/2021 |
| Joint pretrial Order | 08/01/2021 | 10/30/2021 or 30 days following entry of an order denying dispositive motions, whichever is later |

This request for an Amended Scheduling Order is not sought for any improper purpose or for the purpose of delay. Rather, the additional time requested in this Stipulation will enable the Parties to complete the discovery needed for the Parties to brief the Court in dispositive motions and to prepare this Case for trial. The Parties respectfully submit that the reasons set forth above constitute good cause for the extended deadlines they are requesting.

IT IS SO STIPULATED.

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DATED: May 6, 2021

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IT IS SO ORDERED.

DATED May 7, 2021


UNITED STATES MAGISTRATE JUDGE